

Bedford Hills, New York
June 4, 2013

The first meeting for the month of June of the Town Board of the Town of Bedford was held on June 4, 2013 at the Town House, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 8:00 P.M. by Supervisor Roberts.

Present:	Lee V. A. Roberts	: Supervisor
	Francis T. Corcoran	: Councilman
	Chris Burdick	: Councilman
	Lisbeth Fumagalli	: Town Clerk
	Joel H. Sachs	: Town Attorney
	William Hayes	: Chief of Police
	Harry Girdlestone	: Sole Assessor
	Edward Ritter	: Town Comptroller
	William Heidepriem	: Superintendent of Recreation and Parks
	Kevin Winn	: Commissioner of Public Works
	Amy Pectol	: Receiver of Taxes
Absent:	Peter Chryssos	: Councilman
	David Gabrielson	: Councilman

And five (5) residents/observers.

PRESENTATION – Friends of Bedford Cemeteries.

Members of the Friends of Bedford Cemeteries Committee gave a presentation to the Town Board on their efforts to preserve some of the history of the Town through these cemeteries, such as the headstones and markers. They discussed plans to fund raise and other projects they would like to accomplish.

APPROVAL OF CLAIMS

On a motion by Mrs. Roberts, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes:	Roberts, Corcoran, Burdick
Nays:	None
Absent:	Chryssos, Gabrielson

RESOLVED, that the following claims for 2013 be allowed for payment from their respective funds,

	2013
General Fund	\$ 63,382.05
Highway Fund	19,827.56
Consolidated Water District	23,654.06
Cedar Downs Water District	30.00
Farms Water District	37.00
Old Post Road Water District	74.00
Special Districts:	
Bedford Village Memorial Park	3,729.06
Bedford Hills Memorial Park	3,527.52
Katonah Memorial Park	2,474.14
Capital Projects	55,340.43
	<u>\$ 172,075.82</u>

DEPARTMENTS –

1. Discuss interest in continuing with the Municipal Reassessment Project.
The Town Board acknowledged receipt of a letter dated May 2013 from Mayor of Yonkers Mike Spano and Supervisor of the Town of Greenburgh Paul Feiner to update the Board on the progress of the Municipal Reassessment Project. Town of Bedford Assessor Harry Girdlestone will attend a meeting on this matter on Thursday, June 6.

2. Change Order Approval request for additional work required associated with the Pool Filter/Pump Rooms electrical system – Filingeri Electrical Contracting Corp.

On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Corcoran, Burdick
Nays: None
Absent: Chryssos, Gabrielson

RESOLVED that the Town Board does hereby approve the request for additional work associated with the Pool Filter/Pump Rooms electrical system by Filingeri Electrical Contracting Corp. in the amount of \$3,357.59 as per the memorandum dated May 31, 2013 from Bill Heidepriem, Superintendent of Recreation and Parks.

3. Request to go to bid for Beaver Dam Road Drainage Improvement Project.

On a motion by Mr. Corcoran, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Corcoran, Burdick
Nays: None
Absent: Chryssos, Gabrielson

RESOLVED that the Town Board does hereby grant approval for the Town Consulting Engineer to advertise for bids for the Beaver Dam Drainage Improvement Project, in order to mitigate erosion of roadside ditches, eliminate downstream siltation onto the Beaver Dam Sanctuary Project and provide a practice to reduce the annual phosphorus load in the New York City Watershed, with the Town of Bedford to be fully reimbursed by both the New York State Department of Environmental Conservation (NYSDEC) and the East of Hudson Watershed Corporation (EOHWC) after the improvements are completed, as per the letter dated May 22, 2013 from James J. Hahn, Town Consulting Engineer.

4. Request to go to bid for Valley Road Sidewalk Project.

On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Corcoran, Burdick
Nays: None
Absent: Chryssos, Gabrielson

RESOLVED that the Town Board does hereby grant approval for the Town Consulting Engineer to advertise for bids for the Valley Road Sidewalk Improvement Project, with the Town of Bedford to receive \$323,964.00 in Federal funding towards the approximate \$925,000 cost of the project, after the completion of the project, as per the letter dated May 29, 2013 from James J. Hahn, Town Consulting Engineer.

5. Request to renew Town Recycling Center Management Contract.

On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Corcoran, Burdick
Nays: None
Absent: Chryssos, Gabrielson

RESOLVED that the Town Board does hereby approve the renewal of the Town Recycling Center Management Contract for the period of July 1, 2013 to June 30, 2014 with Rogan Brothers Inc., at the existing annual cost of \$22,500 plus \$1,100 per load of glass and 50% of the recycling material revenue paid to the Town, as per the memorandum dated May 28, 2013 from Kevin Winn, Commissioner of Public Works.

6. Request to award paving bid.

On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Corcoran, Burdick
Nays: None
Absent: Chryssos, Gabrielson

RESOLVED that the Town Board does hereby award the bids for “Part A”- paving and related work to ELQ Industries Inc. at a cost of \$89.80 average unit price and for “Part B” – drainage - to Acocella Contracting for \$416,500, with actual work to depend on infrastructure needs and budget, subject to the receipt of bonds and insurance certificates, with funding for the projects to come from the following sources:

- existing drainage bond - \$175,000
- expense budget lines - \$260,000
- Highway fund balance - \$415,000

As per the memorandum from Kevin Winn, Commissioner of Public Works.

7. Designation of Town Clerk to receive Notice of Claims delivered to Secretary of State. On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Corcoran, Burdick

Nays: None

Absent: Chryssos, Gabrielson

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town’s agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent’s estate; Now therefore Be It

RESOLVED, that the Town Board of the Town of Bedford, County of Westchester designates Lisbeth Fumagalli her capacity as Town Clerk, to receive notices of claims served upon the Secretary of State by mail at 321 Bedford Road, Bedford Hills New York and email at townclerk@bedfordny.gov.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town’s designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

CORRESPONDENCE –

1. Roosevelt Drive Water Users Association request to extend Consolidated Water District to serve the Roosevelt Drive area.

On a motion by Mr. Corcoran, seconded by Mr. Burdick, the following resolution was

ADOPTED

Ayes: Roberts, Corcoran, Burdick

Nays: None

Absent: Chryssos, Gabrielson

WHEREAS, the properties situated on Roosevelt Drive, Franklin Drive and Delano Drive in the Town of Bedford (the “Roosevelt Drive Neighborhood”) are not currently connected to the Bedford Consolidated Water District No. 1 (the “Water District”); and

WHEREAS, approximately two-thirds of the properties in the Roosevelt Drive Neighborhood are currently part of and receive water services from the Roosevelt Drive Water Users Association, and the remaining properties receive water from private wells; and

WHEREAS, there has been concern from both the Town of Bedford (the “Town”) and the property owners in the Roosevelt Drive Neighborhood over the long-term viability of the existing water infrastructure in the Roosevelt Drive Neighborhood; and

WHEREAS, the Town Board of the Town of Bedford (the “Town Board”) has been considering an extension of the Water District to the properties in the Roosevelt Drive Neighborhood to ensure water services to said properties in the future; and

WHEREAS, Elizabeth M. Bailey, President of the Roosevelt Drive Water Users Association, issued a letter to the Town Board, dated May 28, 2013, a copy of which is attached hereto, confirming the support of the Roosevelt Drive Water Users Association, and its members, for being served with Town water; and

WHEREAS, Ms. Bailey further communicated, in her letter of May 28, 2013, that there is apparent understanding among the property owners of properties in the Roosevelt Drive Neighborhood served by private wells that extension of the Water District is the only viable long-term option for water service among the Roosevelt Drive Neighborhood properties.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board finds that it is to the benefit of the property owners of the properties located in the Roosevelt Drive Neighborhood that the Town Board pursue an initiative, pursuant to Article 12-A of the Town Law, to extend the Water District to the Roosevelt Drive Neighborhood properties (the “Water District Extension”); and

BE IT FURTHER RESOLVED, that the Town Board hereby orders that a map, plan and report be prepared by a licensed engineer for submission to the Town Board providing the necessary information concerning the improvements and costs thereof needed for said Water District Extension; and

BE IT FURTHER RESOLVED, that the Town Board directs, subject to permissive referendum, that an appropriation be made of general Town funds, pursuant to Section 209-b of the Town Law, in an amount not to exceed Seven Thousand Five Hundred and 00/100 Dollars (\$7,500.00) to finance the preparation of said map, plan and report.

2. Proposal to hold 9th Annual Bedford Turkey Trot Saturday, November 30th.

On a motion by Mr. Corcoran, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Corcoran, Burdick
Nays: None
Absent: Chryssos, Gabrielson

RESOLVED that the Town Board does hereby grant permission for the Turkey Trot Committee to hold the Ninth Annual Turkey Trot road race on Saturday, November 30, 2013, in Bedford Village. The event will begin at the Bedford Village Elementary School and end in the Bedford Memorial Park. All roads involved will be closed and Insurance will be through the Town of Bedford as the Recreation and Parks Department is a co-sponsor. The Turkey Trot Committee shall coordinate with the Department of Public Works - Highway Division for road barricades as well as the Police Department for coverage, to protect the health, safety and welfare of the participants and attendees of the event.

3. BDOG proposal to donate a shade structure to the Beaver Dam Canine Commons.

On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Corcoran, Burdick
Nays: None
Absent: Chryssos, Gabrielson

RESOLVED that the Town Board does hereby gratefully accept the donation from the Bedford Dog Owner’s Group of a two-hip shade structure by Shade Systems for the Canine Commons at Beaver Dam Dog Park, approximate value, \$3,000.00, that will provide approximately 300 square feet of shade with a 22’ by 14’ canopy.

NEW BUSINESS

1. Consider proposal to hire genealogist Ellen Shapiro.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Corcoran, Burdick
Nays: None
Absent: Chryssos, Gabrielson

RESOLVED that the Town Board does hereby accept the proposal from EHS Research Services, 253 Garth Road, Scarsdale, New York, to conduct a due diligence search to locate the heirs of the Griffen family, at an hourly rate of \$100 per hour, as per the proposal dated May 30, 2013 submitted by Ellen Shapiro of EHS Research Services, funding for this project to come from the appropriation for Town Board Special Projects.

2. Executive Session – Personnel.

On a motion by Mr. Corcoran, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board wished to discuss matters of personnel in an executive session to be conducted at the conclusion of the regular meeting.

There being no further discussion the Town Board adjourned to executive session at 9:44pm.

Lisbeth Fumagalli, Town Clerk

Minutes of Executive Session Town Board of the Town of Bedford
June 4, 2013

On June 4, 2013, at approximately 9:50 p.m. the Town Board unanimously voted to go into Executive Session to discuss labor negotiations and a personnel issue. Present at the meeting were Supervisor Roberts and Councilpersons Burdick and Corcoran. Also present were Town Attorney Joel Sachs, Town Personnel Director Joan Gallagher and Town Police Chief William Hayes.

At the outset of the Executive Session, Town Attorney Joel Sachs was unanimously appointed as Acting Deputy Town Clerk.

There followed lengthy discussions involving contract negotiations between the Town and the Policemen's Benevolent Association. No decisions were made and no votes were taken.

At approximately 10:40 p.m., Chief Hayes and Personnel Director Gallagher left the session. There followed a discussion among the Board members and Town Attorney Sachs in regard to a proposal made by a Board member in regard to conducting a certain program in the Town. Town Attorney Sachs was requested to have a further discussion with the Board member about the situation. No decisions were made and no votes were taken. The Executive Session adjourned at approximately 11:00 p.m.

Respectfully submitted,

Joel H. Sachs
Acting Deputy Town Clerk